

IT IS SO ORDERED.

Dated: 09 September, 2009 03:53 PM



RANDOLPH BAXTER
UNITED STATES BANKRUPTCY JUDGE

200745717

(jsb)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ohio
AT CLEVELAND

IN RE:

Elaine Gray

Debtor

Case No. 06-12709

Chapter 13
Judge Baxter

**AGREED ORDER VACATING ORDER
GRANTING FINAL MODIFICATION OF
AUTOMATIC STAY (PROPERTY
ADDRESS: 4116 EAST 151ST STREET,
CLEVELAND, OHIO 44128)**

This matter came to be considered on the Motion to Reinstate Stay (the "Motion") filed by Debtor on November 12, 2008; upon the Agreed Order on Motion to Reinstate Stay entered on December 22, 2008; upon the Affidavit of Default filed by US Bank, N.A. successor by merger to The Leader Mortgage Company; and upon the Order Granting Final Modification of Automatic Stay entered herein on August 5, 2009.

US Bank, N.A. successor by merger to The Leader Mortgage Company has alleged that Debtor(s), counsel for Debtor(s), the Chapter 13 Trustee, and all other necessary parties were served with the Order Granting Final Modification of Automatic Stay; and

The parties have entered into an agreement reinstating the automatic stay and the Agreed Order For Relief From Stay, the terms of which are attached hereto as Exhibit A.

IT IS THEREFORE, ORDERED:

1. The Order Granting Final Modification of Automatic Stay entered herein on August 5, 2009 is hereby vacated and the automatic stay imposed by Section 362 is hereby reinstated.
2. The Chapter 13 Trustee shall resume payments to Movant on any unpaid balance of its pre-petition claim.
3. The Debtor(s) shall resume regular monthly post-petition payments to US Bank, N.A. successor by merger to The Leader Mortgage Company outside the Chapter 13 plan beginning with a payment due US Bank, N.A. successor by merger to The Leader Mortgage Company. Failure by the Debtor(s) to make any payment within **15** days of the date due shall constitute a default.
4. Upon the existence of a default, US Bank, N.A. successor by merger to The Leader Mortgage Company 's counsel may send Debtor(s) and counsel for Debtor(s) a 10-day notice of US Bank, N.A. successor by merger to The Leader Mortgage Company 's intent to file an affidavit and proposed order granting relief from stay.
5. If the default is not cured within that 10-day period, then upon the filing of an affidavit by US Bank, N.A. successor by merger to The Leader Mortgage Company attesting to the default by the Debtor(s), an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to US Bank, N.A. successor by merger to The Leader

Mortgage Company, its successors and assigns.

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SUBMITTED BY:

/s/ Steven H. Patterson

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EXHIBIT A

The post-petition arrearage due as of August 2009, is \$3,603.33, which amount consists of 4 payments (May 2009 through August 2009) at \$656.35 each, 4 late charges (May 2009 through August 2009) at \$26.25 each, 3 stipulated payments from prior Agreed Order (April 20, 2009 through June 20, 2009) at \$233.86 each and \$200.00 bankruptcy attorney fees incurred as a result of Debtor's Default, less funds in suspense of \$28.65

In order to cure the arrearages, the parties hereto agree that the Debtor(s) shall make a lump sum payment in the amount of \$3,603.33 in the form of certified funds on or before September 14, 2009.

The above payment is in addition to the regular monthly mortgage payments due and owing for said months.

Failure by the Debtor(s) to make any payment described above shall constitute a default.